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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA Commercial Mortgage Company
06-10725 – Lead Case
USA Capital Realty Advisors, LLC
06-10726
USA Capital Diversified Trust Deed Fund,
LLC
06-10728
USA Capital First Trust Deed Fund, LLC
06-10728
USA Securities, LLC
06-10729
Debtors.

Jointly Administered

Chapter 11 Cases

Judge Linda B. Riegler Presiding

**MOTION FOR ORDER REQUIRING
PRODUCTION OF DOCUMENTS
PURSUANT TO BANKRUPTCY
RULE 2004**

Date: NA

Time: NA

Affecting:

.. All Cases

or Only:

× USA Commercial Mortgage Company

.. USA Capital Realty Advisors, LLC

.. USA Capital Diversified Trust Deed Fund,
LLC

.. USA Capital First Trust Deed Fund, LLC

.. USA Securities, LLC

The Official Committee of Unsecured Creditors of USA Commercial Mortgage Company (“UCC”) moves this Court for an Order pursuant to Bankruptcy Rule 2004(a) directing Custodian of Records of Nevada State Bank (“NSB”) to produce for inspection and copying the documents described on Exhibit A pursuant to Bankruptcy Rules 2004, 7030 and 7034, and Rule 34 of the Federal Rules of Civil Procedure on January 17, 2007



at 12:00 noon at Lewis and Roca LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, NV 89169. This Motion is explained in the following Memorandum.

Memorandum

The UCC is seeking financial statements and similar information provided to NSB by USA Commercial Mortgage Company (“USACM”), USA Investment Partners, LLC (“USAIP”), and its affiliate Haspinov, LLC, and their insiders and affiliates. NSB engaged in lending relationships with USACM and Haspinov, and in the course of satisfying NSB’s documentation requests, may the borrowers have provided NSB financial statements and information that is not now available to Debtors and the UCC. The UCC seeks this information to assist in the collection of the assets and investigation of liabilities of USACM. (Of course, those assets include a promissory note to USACM from USAIP dated as of May 31, 2006 in the principal sum of \$58,374,918.81.)

The requested discovery from NSB is well within the scope of examination permitted pursuant to Bankruptcy Rule 2004, which includes

The acts, conduct, or property or ... the liabilities and financial condition of the debtor, or ... any matter which may affect the administration of the debtor’s estate, or to the debtor’s right to a discharge. In a ... reorganization case under chapter 11 of the Code, ... the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.¹

Conclusion

Accordingly, the UCC requests that this Court enter the form of Order submitted with this motion.

¹ Bankruptcy Rule 2004(b).



1 Dated January 4, 2007.

2 **LEWIS AND ROCA LLP**

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4 By /s/ RC (#006593)

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6 Rob Charles, NV 6593

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8 *Creditors*

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